

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re: JOHN ALBERT EMKEY
JOHN A. EMKEY, SR., JOHN A.
EMKEY
TINA MARIE EMKEY

CHAPTER 13

Debtor(s)

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
vs.
JOHN ALBERT EMKEY
JOHN A. EMKEY, SR., JOHN A.
EMKEY
TINA MARIE EMKEY

Movant

CASE NO: 1-21-00142-HWV

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on December 18, 2023, Jack N. Zaharopoulos, Standing Chapter 13 Trustee, through his attorney, Douglas R. Roeder, Esquire, and moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case in accordance with 11 U.S.C. Section 1307(c), due to material default by the debtor(s) with respect to the terms of the plan.

Notice of hearing and other instructions are included with this Motion.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case in accordance with 11 U.S.C. Section 1307(c).

Dated: December 18, 2023

Respectfully submitted,

/s/ Douglas R. Roeder, Esquire
ID: 80016
Attorney for Movant
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
Suite A, 8125 Adams Drive
Hummelstown, PA 17036
Phone: (717) 566-6097
email: droeder@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN THAT Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Douglas R. Roeder, Esquire, has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion. Any matters not resolved shall be heard at the dismissal hearing.

January 10, 2024 at 09:35 AM
Sylvia H. Rambo United States Courthouse
Bankruptcy Courtroom 4B, 4th Floor
1501 North 6th Street
Harrisburg, PA 17102

YOU ARE FURTHER NOTICED that you MUST attend the dismissal hearing unless one of the following takes place.

1. You have paid the following and have confirmed payment with Trustee Zaharopoulos's office.

AMOUNT DELINQUENT AS OF LAST MONTH: \$ 4,200.00

AMOUNT DUE FOR THIS MONTH: \$1,050.00

TOTAL AMOUNT DUE BEFORE HEARING DATE: \$5,250.00

NOTE:

ALL payments must be made by CERTIFIED CHECK, MONEY ORDER or through TFSBILLPAY.COM. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED!

DO NOT send your payments REGISTERED, CERTIFIED, FEDERAL EXPRESS, UPS, or by any other special delivery service. Doing so will delay processing of your payment and may result in dismissal of your case.

If submitting payment by U.S. First Class Mail mail to:
CHAPTER 13 TRUSTEE, PO BOX 6008, MEMPHIS, TN 38101-6008

If submitting payment using TFSBILLPAY.COM please allow 5 business days for payment to be applied.

2. You have entered into a valid stipulation with Trustee Zaharopoulos and that stipulation has been filed with the court, or
3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Zaharopoulos.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.

Dated: December 18, 2023

Respectfully submitted,

/s/ Douglas R. Roeder, Esquire
ID: 80016
Attorney for Movant
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
Suite A, 8125 Adams Drive
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on December 18, 2023, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties from Hummelstown, PA, unless served electronically.

Served Electronically

GARY J. IMBLUM, ESQUIRE
4615 DERRY STREET
HARRISBURG PA 17111-

UNITED STATES TRUSTEE
1501 NORTH 6TH STREET
PO BOX 302
HARRISBURG PA 17102

SERVED BY FIRST CLASS MAIL

JOHN ALBERT EMKEY
TINA MARIE EMKEY
378 HILL N DALE DRIVE
SOUTH YORK PA 17403

I certify under penalty of perjury that the foregoing is true and correct.

Date: December 18, 2023

/s/ Matt Arcuri
Office of the Standing Chapter 13 Trustee
Jack N. Zaharopoulos
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pAMD13trustee.com

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.